

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>8:05CV40</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>AMENDED JUDGMENT</b>
	)	<b>AND DECREE OF</b>
<b>THE ESTATE OF JESSE MARION,</b>	)	<b>FORECLOSURE AND</b>
<b>HURLBERT, et al.,</b>	)	<b>ORDER OF SALE</b>
<b>Defendant(s).</b>	)	
	)	

This matter is before the Court on the Plaintiff's Motion to Amend Judgment (Filing No. 10). The Plaintiff appears by and through its attorneys, Michael G. Heavican, United States Attorney for the District of Nebraska, and Laurie M. Barrett, Assistant United States Attorney for said District. The Defendants, The Estate of Jesse Marion Hurlbert and The Pacesetter Corporation n/k/a Optimus Corporation, failed to answer or otherwise appear or plead to the allegations contained in the Complaint and said Defendants are in default in this action.

Based on the record, the Court makes the following findings of fact. The Court has jurisdiction of these proceedings pursuant to Title 28, United States Code, § 1345, due and legal notice of the pendency of this action has been given; and the Court has acquired jurisdiction of all the parties.

The Defendants are in default, and each and all of the allegations of Plaintiff's Complaint are found to be true. Accordingly, Plaintiff is entitled to a Decree of Foreclosure in rem and Order of Sale as prayed.

The premises herein described will sell to the best advantage in one entire tract. There is due and owing to the Plaintiff as of April 19, 2005, the principal sum of \$3,802.11, plus accrued interest in the amount of \$460.57, together with interest accruing at the rate of \$1.0416 per day, and \$31,037.42 interest credit or subsidy subject to recapture from April 19, 2005, to the date of this decree. Interest will accrue on said sums from and after the date of entry of this decree at the legal rate of 3.32% computed daily and compounded annually until paid in full.

The amount due Plaintiff as stated herein is the first lien on the following described real estate in Antelope County, Nebraska, to-wit:

Lots 17 and 18, Block 37, City of Neligh, Antelope County,  
Nebraska.

The Motion for Default Judgment should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. The Motion for Amend Judgment (Filing No. 10) is granted;
2. Judgment in rem is entered against the defendants and the real estate that is the subject of this action;
3. The foregoing findings are made a part of this decree and order and, by this reference, incorporated herein;
4. If the costs as indicated below and the several amounts above found due and interest thereon are not paid within twenty (20) days of the date of this

Judgment, then all equity of redemption in the premises shall be foreclosed and the premises sold as upon execution in one entire tract;

5. The Plaintiff shall apply for, and the Clerk of the United States District Court shall issue, an Order of Sale;
6. The United States Marshal for the District of Nebraska shall thereupon advertise and sell, according to law, the aforementioned property;
7. As upon execution, the United States Marshal shall report his proceedings under this Decree and Order to this Court and shall deposit the proceeds of the sale, if any, into the Registry of the Court;
8. Upon confirmation of the sale, the Clerk shall apply the proceeds as follows:
  - a. First, to the payment of the costs of the Plaintiff, and to the United States Marshal for service of Summons and Complaint and execution of Order of Sale;
  - b. Second, to the payment of the amount found due the Plaintiff with interest thereupon according to law; and
  - c. Third, to the payment of the costs of the United States Marshal for per diem and special requirements;

The Clerk shall retain in the Registry of the Court any surplus from the sale until further order of the Court;

9. The aforementioned costs will be determined, after confirmation of sale, pursuant to the procedures described in Rule 54.1 of the Local Rules of the United States District Court for the District of Nebraska; and

10. Upon confirmation by the Court of the sale of the aforementioned real estate, the United States Marshal shall execute a deed to the purchaser(s); and the parties of this Decree and Order and all persons claiming under them are ordered to deliver possession of the real estate to such purchaser(s).

Dated this 31st day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp  
United States District Court